

**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE
COMPAQ COMPUTER CORPORATION
MASTER PRICE AGREEMENT
90-00151**

This addendum along with the WESTERN STATES CONTRACTING ALLIANCE (WSCA) master price agreement will allow your local government or education entity to purchase Compaq products and services direct or through a Compaq authorized reseller/sales agent. This document is not required if your state has already signed a state-wide contract.

INSTRUCTIONS

Complete all gray spaces in the document below, print, sign, date, and send to:

Via Post Office Mail

WSCA Contract Administration
Attn: Todd Reed, Compaq Computer Corporation,
PO Box 692000, MS590305, Houston, TX 77269-2000.

Via Courier, Fed ex, Airborne, Etc...

WSCA Contract Administration-Todd Reed, Compaq Computer Corporation,
Todd Reed, 3rd Floor Security, 140 Cypress Station,
Houston, TX 77269-2000. Tel. 281-927-7564

Via Facsimile

WSCA Contract Administration
Attn: Todd Reed, Compaq Computer Corporation,
Fax 281-927-8883.

Once the document is received, it will go through an approval process which normally takes one week. After approval, the document will be signed and returned. To receive WSCA pricing, the approved addendum should be referenced each time product or services are ordered

COMPAQ AUTHORIZED RESELLERS

Through the WSCA contract, local government or education entities may purchase through a Compaq Authorized Resellers. This addendum may also be used by Compaq Authorized Resellers when responding to RFPs.

When filling out the agreement, however, the addendum must be an agreement between Compaq and the local government or education entity, rather than Compaq and the Compaq Authorized Reseller. Compaq Authorized Resellers are listed at www.compaq.com/state/purchasing/reseller.html.

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1. Scope: All eligible purchasers within this government or education entity are authorized to purchase products and services under the terms and conditions of this price agreement.

**State of California, including its authorized employees and
representatives.**

2. Changes: Changes to the terms and conditions of the signed Direct Price Agreement are as follows:
- a) Paragraphs 1 through 26 of the California General Provisions (CAGP) for Western States Contracting Alliance, Compaq become a part of this Participating Addendum.
 - b) Paragraph 5 is deleted; Paragraph 5 of CAGP is substituted therefore.
 - c) Paragraph 6 is deleted; Paragraph 9 of CAGP is substituted therefore.
 - d) Paragraph 7 is modified to reflect this agreement is effective January 1, 2001.
 - e) Paragraph 9 is deleted; Paragraph 7 of CAGP is substituted therefore.
 - f) Paragraph 12 is modified with the addition of the following: C) Contractor certifies that it has appropriate systems and controls in place to ensure that state (California) funds will not be used in the performance of this contract for the acquisition, operation or maintenance of computer software in violation of copyright laws.
 - g) Paragraph 17 is deleted; Paragraph 21 of CAGP is substituted therefore.
 - h) Paragraph 20 is deleted; Paragraph 13 of CAGP is substituted therefore.
 - i) Paragraph 29 is deleted; Paragraph 17 of CAGP is substituted therefore.
 - j) Paragraph 30, the words "indirect, special or" are hereby deleted from Line 5.
 - k) Paragraph 31 is deleted; Paragraph 1 and Paragraph 16 of CAGP are substituted therefore.
 - l) Paragraph 33 is deleted in its entirety.
 - m) Paragraph 46, the second (2nd) paragraph is deleted and the following substituted therefore:
The Contractor agrees to provide a monthly utilization report in an Excel format to the California Administrator during the month following the month in which there was activity. The Report shall include the gross California sales for the monthly period subtotaled by procuring agency within California. If there is no activity in any given month, then a report to that effect shall be provided. The Report shall be accompanied by a check payable to the California Department of General Services in an amount equal to one percent (1%) of the gross California sales for that month, such discount not to be derived from discounted prices reflected in Price Agreement No. 90-00151.

3. Lease Agreements:

A lease agreement has not been approved.

4. Primary Contact: The primary contact individual for this participating addendum is as follows:

Diana La Bonte, Contract Negotiations Manager

1823 - 14th Street, Sacramento, CA 95814-

Phone: (916)327-8055

Fax: (916)327-7593

E-mail: diana.labonte@dgs.ca.gov

5. Price Agreement Number: All purchase orders issued by procuring agencies within the jurisdiction of this participating addendum shall include price agreement number: **90-00151**

6. Servicing Subcontractors:

☒ All Compaq Authorized Sales Agents

☐ Only the following servicing contractors are authorized:

This Addendum and the Price Agreement together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Price Agreement, together with its exhibits, shall not be added to or incorporated into this Addendum or the Price Agreement and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Price Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

State of California
Purchasing Agent

Compaq Computer Corporation
Contractor

By:_____

By:_____

Name:_____

Name:_____

Title:_____

Title:_____

Date:_____

Date:_____